

Exhibit 5

(Affidavit of Scott A. LaCava)

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION

**Road-Con, Inc.; Neshaminy
Constructors, Inc.; Loftus Construction,
Inc.; PKF-Mark III, Inc.; and Scott A.
LaCava,**

Plaintiffs,

Case No. 2:19-cv-01667-JS

v.

City of Philadelphia; and James Kenney,
in his official capacity as mayor of the City
of Philadelphia,

Defendants.

AFFIDAVIT OF SCOTT A. LACAVA

I, Scott A. LaCava, being duly sworn, state as follows:

1. My name is Scott A. LaCava. I am over 21 years old and fully competent to make this affidavit. I submit this affidavit in support of the plaintiffs' motion for summary judgment and permanent injunction.

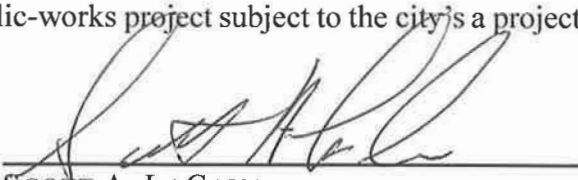
2. I have personal knowledge of the matters contained in this affidavit, and all of the facts stated in this affidavit are true and correct.

3. I am an employee of Road-Con, Inc. and I am a member of the United Steelworkers.


4. My fellow co-workers and I have chosen the United Steelworkers to serve as our bargaining representative, and I support the United Steelworkers and want them to represent me.

5. Because my co-workers and I have chosen the United Steelworkers to serve as our bargaining representative rather than a union belonging to the Philadelphia Building & Construction Trades Council, I cannot perform work on any city of Philadelphia public-works project subject to a project labor agreement.

6. Because my employer has respected the decision of my co-workers and me to have the United Steelworkers serve as our bargaining representative, our employer is disqualified from receiving any city contracts on public-works project subject to the city's a project labor agreement.


SCOTT A. LACAVA

Subscribed and sworn to me
this 14th day of July, 2020


NOTARY

